

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Hidetsugu TSUBOUCHI et al. )  
) Group Art Unit:  
Application No.: Not Yet Assigned )  
) Examiner:  
Filed: April 6, 2005 )  
)  
For: 2,3-DIHYDRO-6- )  
NITROIMIDAZO(2,1- )  
b)OXAZOLE COMPOUND )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§1.56 and 1.97(b), applicants bring to the Examiner's attention the documents listed on attached Form PTO/SB/08 and cited in the enclosed international search report. Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the documents listed on attached Form PTO/SB/08 and indicate that they were considered by making an appropriate notation on this form.

This Information Disclosure Statement is being filed with the above-referenced application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the


documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: **APR - 6 2005**

By:   
Ernest F. Chapman  
Reg. No. 25,961

Enclosures  
EFC/FPD/gah

IDS Form PTO/SB/08: Substitute for form 1449A/PTO			<b>Complete if Known</b>		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)			Application Number	10/530429	
			Filing Date	April 6, 2005	
			First Named Inventor	Hidetsugu TSUBOUCHI	
			Art Unit		
			Examiner Name		
Sheet	1	of	1	Attorney Docket Number	01197.0252

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

**Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004**

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		WO 97/01562	01-16-1997	PATHOGENESIS CORPORATION		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		Sehgal et al., "POTENTIAL RADIOSENSITIZING AGENTS. 2. SYNTHESIS AND BIOLOGICAL ACTIVITY OF DERIVATIVES OF DINITROIMIDAZOLE WITH OXIRANES"; Journal of Medicinal Chemistry, Vol. 24, No. 5, pages 601-604, (1981)	
		Ashtekar et al.; "IN VITRO AND IN VIVO ACTIVITIES OF THE NITROIMIDAZOLE CGI 17341 AGAINST MYCOBACTERIUM TUBERCULOSIS"; Antimicrobial Agents and Chemotherapy, Vol. 37, No. 2, pages 183-186, (1993)	
		Nagarajan et al.; "NITROIMIDAZOLES XXI 2,3-DIHYDRO-6-NITROIMIDAZO [2,1-b] OXAZOLES WITH ANTITUBERCULAR ACTIVITY"; European Journal of Medicinal Chemistry, Vol. 24, No. 6, pages 631-633, (1989)	

Examiner Signature		Date Considered	
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.